



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4031

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Tax Consultant and Tax Preparer Licensure Act. Provides that tax consultants must be licensed by the Department of Revenue. Provides that a person may not prepare or advise or assist in the preparation of personal income tax returns for another for valuable consideration, or represent that the person is so engaged, unless the person is licensed as a tax consultant. Provides that a tax preparer may prepare or advise or assist in the preparation of tax returns only under the supervision of a licensed tax consultant, and provides that those tax preparers must also be licensed by the Department of Revenue. Contains provisions concerning fees, suspension or revocation of licenses, and prohibited activities. Contains provisions concerning refund anticipation loans. Effective immediately.

LRB099 09104 HLH 29297 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Tax  
5 Consultant and Tax Preparer Licensure Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Revenue.

8 "Facilitator" means a person that individually or in  
9 conjunction or cooperation with another person processes,  
10 receives, or accepts for delivery an application for a refund  
11 anticipation loan or a check in payment of refund anticipation  
12 loan proceeds or in any other manner materially facilitates the  
13 making of a refund anticipation loan.

14 "Facilitator" does not mean a financial institution, an  
15 affiliate that is a servicer for a financial institution, a  
16 person issued a certificate as a certified public accountant or  
17 licensed as a public accountant, or any person that acts solely  
18 as an intermediary and does not deal with a taxpayer in the  
19 making of a refund anticipation loan.

20 "Lender" means a person that makes a refund anticipation  
21 loan with the person's own funds or a line of credit or other  
22 funding from a financial institution, but does not include a  
23 financial institution.

1 "Refund anticipation loan" means a loan that the lender  
2 arranges to be repaid directly from the proceeds of the  
3 taxpayer's federal or State personal income tax refund.

4 "Refund anticipation loan fee" means the charges, fees, or  
5 other consideration charged or imposed by the lender or  
6 facilitator for the making of a refund anticipation loan.

7 "Refund anticipation loan fee" does not mean any charge,  
8 fee, or other consideration usually charged or imposed by the  
9 facilitator in the ordinary course of business for non-loan  
10 services, including fees for tax return preparation and fees  
11 for electronic filing of tax returns.

12 "Taxpayer" means an individual who files a federal or  
13 Illinois personal income tax return.

14 Section 10. Prohibited activities.

15 (a) Except as otherwise provided in this Act, a person may  
16 not prepare, or advise or assist in the preparation of,  
17 personal income tax returns for another for valuable  
18 consideration, or represent that the person is so engaged,  
19 unless the person is licensed as a tax consultant under this  
20 Act.

21 (b) A tax preparer may prepare or advise or assist in the  
22 preparation of tax returns only under the supervision of a  
23 licensed tax consultant, and subject to such conditions and  
24 limitations as the Department by rule may impose.

25 (c) A person may not be a facilitator of a refund

1 anticipation loan without first being issued a license as a tax  
2 consultant or tax preparer under this Act.

3 Section 15. Qualifications for tax consultant and tax  
4 preparer; examination.

5 (a) Every applicant for a license as a tax consultant and  
6 every applicant for licensing as a tax preparer must:

7 (1) be 18 years of age or older;

8 (2) possess a high school diploma or have passed an  
9 equivalency examination;

10 (3) present evidence satisfactory to the Department  
11 that the applicant has successfully completed at least 80  
12 hours in basic personal income tax law, theory, and  
13 practice at a school training session or educational  
14 institution approved by the Department; and

15 (4) possess a preparer tax identification number  
16 issued by the Internal Revenue Service.

17 (b) In addition to the requirements of subsection (a) of  
18 this Section, every applicant for licensing as a tax preparer  
19 must pass an examination in the form and manner prescribed by  
20 the Department. The examination must measure the applicant's  
21 knowledge of Illinois and federal personal income tax law,  
22 theory, and practice.

23 (c) In addition to the requirements of subsection (a) of  
24 this Section, every applicant for licensing as a tax consultant  
25 must do all of the following:

1           (1) Present evidence satisfactory to the Department of  
2           employment as a tax preparer in this or another state in a  
3           capacity that is, in the judgment of the Department,  
4           equivalent to that of a tax preparer or tax consultant, for  
5           not less than a cumulative total of 1,100 hours during at  
6           least 2 of the last 5 years. The Department shall consider  
7           certification submitted by a tax consultant that the  
8           applicant was employed as a tax preparer under his or her  
9           supervision for the period indicated in the certificate to  
10          be satisfactory evidence of the applicant's employment as a  
11          tax preparer for the period indicated. If an applicant has  
12          worked less than a cumulative total of 1,100 hours in at  
13          least 2 of the last 5 years, the Department may consider  
14          the number of hours employed, the number of years employed,  
15          the number of tax returns prepared, and whether the work  
16          involved contributed directly to the professional  
17          competence of the individual in determining if a tax  
18          preparer or tax consultant has met the work experience  
19          requirement.

20          (2) Pass an examination in the form and manner  
21          prescribed by the Department. The examination must measure  
22          the applicant's knowledge of Illinois and federal personal  
23          income tax law, theory, and practice, and be of a more  
24          exacting nature and require higher standards of knowledge  
25          of personal income tax law, theory, and practice than the  
26          examination for a tax preparer's license.

1           (d) If, in the judgment of the Department, an applicant  
2 has, in combination, the education and experience to qualify  
3 for a tax consultant's or preparer's license, but does not meet  
4 or cannot present evidence of strict compliance with the  
5 requirements of paragraph (3) of subsection (a) or item (1) of  
6 subsection (c) of this Section, the Department may allow some  
7 of the applicant's education or experience to substitute one  
8 for the other. However, this subsection does not allow a waiver  
9 of, or substitution for, any qualifications needed for a tax  
10 consultant's or preparer's license other than those described  
11 in those paragraphs.

12           Section 20. Tax consultant's application. Every person  
13 desiring to be licensed as a tax consultant shall apply in  
14 writing to the Department. The application forms shall be  
15 approved by the Department. Each application shall include or  
16 be accompanied by evidence, satisfactory to the Department,  
17 that the applicant meets the qualifications prescribed in this  
18 Act. Each application shall be accompanied by the examination  
19 fee as provided under Section 70.

20           Section 25. Tax preparer's application. Every person  
21 desiring to be licensed as a tax preparer shall apply in  
22 writing to the Department. The application forms shall be  
23 approved by the Department. Each application shall include or  
24 be accompanied by evidence, satisfactory to the Department,

1 that the applicant meets the qualifications prescribed in this  
2 Act. The application shall be accompanied by the examination  
3 fee as provided under Section 70.

4 Section 30. Licensing of person licensed in another state  
5 or enrolled to practice before Internal Revenue Service;  
6 requirements; fees.

7 (a) The Department may issue a license to an applicant for  
8 a license as a tax consultant or as a tax preparer who:

9 (1) presents evidence satisfactory to the Department  
10 that the applicant is licensed as a tax consultant or  
11 preparer in a state that has requirements for licensing  
12 substantially similar to the requirements for licensing in  
13 this State; and

14 (2) has passed to the satisfaction of the Department an  
15 examination covering Illinois personal income tax law,  
16 theory, and practice, the provisions of this Act, and the  
17 code of professional conduct prescribed by the Department.

18 (b) Notwithstanding subsection (a) of this Section, the  
19 Department shall license as a tax consultant any person who is,  
20 on the date of the application for a tax consultant's license,  
21 enrolled to practice before the Internal Revenue Service if the  
22 person has passed to the satisfaction of the Department an  
23 examination covering Illinois personal income tax law, theory,  
24 and practice, the provisions of this Act, and the code of  
25 professional conduct prescribed by the Department.

1 (c) Except as otherwise provided in this Section, an  
2 examination is not required for licensing under this Section.

3 (d) Any person desiring to be licensed under this Section  
4 shall make written application to the Department and shall pay  
5 to the Department at the time required by the Department the  
6 examination and license fees provided by rule of the  
7 Department.

8 Section 35. Issuance of licenses. The Department shall  
9 license as a tax consultant or a tax preparer each applicant  
10 who:

11 (1) demonstrates to the satisfaction of the Department  
12 fitness for a license;

13 (2) pays to the Department an initial license fee as  
14 provided under Section 70; and

15 (3) has no disciplinary actions pending before the  
16 Department.

17 The Department shall issue evidence of licensing to each  
18 person licensed.

19 Section 40. Preparation of tax returns by corporation,  
20 firm, or partnership; requirements; liability; prohibitions.

21 (a) A sole proprietorship, partnership, corporation or  
22 other legal entity, through individuals who are authorized  
23 within this State to render those services, may engage in the  
24 preparation, or in advising or assisting in the preparation of

1 personal income tax returns for another for valuable  
2 consideration and represent that it is so engaged if the  
3 entity:

4 (1) registers annually with the Department in the  
5 manner prescribed by the Department;

6 (2) designates and reports in the manner prescribed by  
7 the Department the authorized individual or individuals  
8 who are responsible for the tax return preparation  
9 activities and decisions of the entity; and

10 (3) complies with this Act and the rules adopted by the  
11 Department.

12 (b) A sole proprietorship, partnership, corporation, or  
13 other legal entity shall not be relieved of responsibility for  
14 the conduct or acts of its agents, employees, or officers by  
15 reason of its compliance with subsection (a) of this Section,  
16 nor shall a licensed tax consultant be relieved of  
17 responsibility for professional services performed by reason  
18 of employment by or relationship with such sole proprietorship,  
19 partnership, corporation or other legal entity.

20 (c) A sole proprietorship, partnership, corporation or  
21 other legal entity shall not engage in tax return preparation  
22 activities under subsection (a) of this Section if the tax  
23 consultant, or the proprietor, a partner, a principal, an  
24 officer, director or manager, or a shareholder of the entity,  
25 is:

26 (1) an individual whose license as a tax consultant or

1 tax preparer has been permanently revoked;

2 (2) an individual to whom the Department has refused to  
3 issue or renew a license on the basis of dishonest conduct  
4 or conduct involving tax preparation;

5 (3) an individual whose occupational license, permit,  
6 or registration has been revoked or refused by another  
7 state regulatory agency or the Internal Revenue Service for  
8 dishonest conduct or conduct involving tax preparation;

9 (4) a sole proprietorship, partnership, corporation,  
10 or other legal entity prohibited from engaging in tax  
11 return preparation activities under subsection (a) of this  
12 Section by reason of this subsection.

13 (d) The shareholders referred to in subsection (c) of this  
14 Section are:

15 (1) if the corporation is publicly traded, a  
16 shareholder that owns more than 10% in value of the  
17 outstanding stock of the corporation; and

18 (2) if the corporation is not publicly traded, any  
19 shareholder.

20 (e) For purposes of subsections (c) and (d) of this  
21 Section, "publicly traded" means traded on an established  
22 securities market.

23 (f) If a sole proprietorship, partnership, corporation or  
24 other legal entity must sever a relationship in order that it  
25 may engage or may continue to engage in tax preparation  
26 activities in compliance with this Section, the entity shall be

1 allowed a reasonable time to sever the relationship. Except as  
2 otherwise provided in this Section, the time allowed to sever a  
3 relationship shall not exceed 180 days after the Department  
4 gives notice that the severance is required. The notice shall  
5 include a statement affording an opportunity for hearing on the  
6 issue of severance.

7 (g) If a hearing is requested under subsection (f) of this  
8 Section, or if an appeal is taken of the Department's order  
9 following hearing, the Department or court may allow additional  
10 time for the affected parties to comply with any order  
11 requiring severance.

12 Section 45. Renewal of licenses; restoration of lapsed  
13 license; rules.

14 (a) Each licensed tax consultant or tax preparer shall  
15 apply to the Department and pay the fee for a renewal of the  
16 license. The application shall be made annually, on or before a  
17 date established by the Department by rule. The application  
18 shall be accompanied by evidence satisfactory to the Department  
19 that the person applying for renewal of the license has  
20 completed the continuing education required by Section 50.

21 (b) At least 30 days before the annual renewal date, the  
22 Department shall notify the licensee that the annual renewal  
23 application and fee are due.

24 (c) Any license that is not renewed within 15 days after  
25 the annual renewal date shall lapse.

1           (d) The Department may restore any lapsed license upon  
2 payment to the Department of all past unpaid renewal fees and a  
3 fee for restoration of a lapsed license and upon proof of  
4 compliance with any continuing education requirements that may  
5 be adopted by the Department by rule.

6           Section 50. Continuing education requirement; waiver.

7           (a) Except as provided in subsection (b) of this Section,  
8 upon annual renewal of a tax preparer's or tax consultant's  
9 license, each person licensed as a tax consultant or tax  
10 preparer under this Act shall submit evidence satisfactory to  
11 the Department that the person has completed at least 30 hours  
12 of instruction or seminar in subjects related to income tax  
13 preparation since the preceding license renewal date. If the  
14 Department does not receive evidence that the continuing  
15 education requirement has been completed by the applicant, the  
16 Department shall not renew the applicant's active license.

17           (b) The Department may exempt a tax consultant or tax  
18 preparer from the continuing education required by this Section  
19 upon application showing evidence satisfactory to the  
20 Department of inability to comply because of unusual or  
21 extenuating circumstances.

22           Section 55. Licenses to be displayed. Each tax consultant  
23 and preparer shall display the evidence of licensing issued to  
24 the tax consultant or tax preparer in accordance with rules

1 adopted by the Department.

2 Section 60. Use of title. An individual may not assume or  
3 use the title or designation "tax consultant" unless the person  
4 is licensed as a tax consultant under this Act.

5 A sole proprietorship, partnership, corporation, or other  
6 legal entity may not assume or use the title or designation  
7 "tax consultant" unless the entity is in compliance with  
8 Section 40.

9 Section 65. Inactive status; application; renewal;  
10 reactivation; revocation or suspension; prohibition; rules.

11 (a) Whenever a tax consultant or tax preparer ceases to  
12 engage in the preparation or in advising or assisting in the  
13 preparation of personal income tax returns, the consultant or  
14 preparer may apply to the Department for inactive status. A  
15 license that is granted inactive status may be renewed upon  
16 payment of the applicable license fee. No proof that the  
17 continuing education required by Section 50 has been fulfilled  
18 need be presented to the Department for renewal of an inactive  
19 license.

20 (b) A license in inactive status may be reactivated upon  
21 payment of a reactivation fee and upon proof of compliance with  
22 such continuing education requirements as may be adopted by the  
23 Department by rule.

24 (c) A license in inactive status may be revoked or

1 suspended by the Department when conditions exist under which  
2 the Department would have been authorized to revoke or suspend  
3 the license if it were active.

4 (d) No person whose license is inactive shall act as a tax  
5 consultant or as a tax preparer.

6 Section 70. Fees. The Department shall by rule adopt fees  
7 for:

8 (1) application for examination for a tax consultant's  
9 license;

10 (2) application for examination for a tax preparer's  
11 license;

12 (3) issuance or renewal of a tax consultant's license;

13 (4) issuance or renewal of a tax preparer's license;

14 (5) issuance or renewal of a tax consultant's inactive  
15 license;

16 (6) issuance or renewal of a tax preparer's inactive  
17 license;

18 (7) reactivation of a tax consultant's inactive  
19 license or reactivation of a tax preparer's inactive  
20 license;

21 (8) restoration of lapsed license;

22 (9) issuance or replacement of a duplicate license;

23 (10) issuance of a replacement or duplicate tax  
24 consultant certificate;

25 (11) registration or registration renewal for a sole

1 proprietorship, partnership, corporation, or other legal  
2 entity;

3 (12) issuance or renewal of a combined tax consultant's  
4 or tax preparer's license and registration for a sole  
5 proprietorship, partnership, corporation, or other legal  
6 entity; eligibility for a combined license shall be  
7 determined under rules adopted by the Department; and

8 (13) annual registration of a branch office of a sole  
9 proprietorship, partnership, corporation or other legal  
10 entity.

11 Section 75. Tax consultant's records.

12 (a) Except as provided in this Section, every person  
13 licensed as a tax consultant shall keep records of all personal  
14 income tax returns prepared by the person, or in the  
15 preparation of which advice or assistance of the person has  
16 been given. The records of the returns shall be kept for a  
17 period of not less than 4 years after the date of the  
18 preparation, advice, or assistance.

19 (b) If a tax consultant is employed by another tax  
20 consultant, the records shall be kept by the employing tax  
21 consultant.

22 (c) If tax consultant who has been designated as  
23 responsible for the tax return preparation activities and  
24 decisions of a partnership, corporation, or other legal entity  
25 ceases to be connected with the partnership, corporation, or

1 other legal entity, the records shall be retained by the  
2 partnership, corporation, or other legal entity.

3 Section 80. Secretary of State as agent for service of  
4 process against nonresident; fee.

5 (a) The acceptance by a nonresident of a license as tax  
6 consultant or a tax preparer shall be considered equivalent to  
7 the appointment by the nonresident of the Secretary of State as  
8 attorney upon whom may be served any summons, process, or  
9 pleading in any action or suit against the nonresident in any  
10 court of this State, arising out of any business done by the  
11 nonresident as a tax consultant or tax preparer in this State.

12 (b) The acceptance of a license shall be considered  
13 equivalent to any agreement by the nonresident that any  
14 summons, process, or pleading in the action or suit may be made  
15 by leaving a copy thereof, with a fee of \$2, with the Office of  
16 the Secretary of State. Such service shall be sufficient and  
17 valid personal service upon the defendant if notice of such  
18 service and a copy of the summons, process, or pleading is sent  
19 forthwith by registered mail or by certified mail with return  
20 receipt by the plaintiff or the attorney of the plaintiff to  
21 the defendant at the most recent address furnished to the  
22 Department by the nonresident tax consultant or tax preparer or  
23 to the last known address. An affidavit of the plaintiff or the  
24 attorney of the plaintiff of the mailing shall be appended to  
25 the summons, process, or pleading and entered as a part of the

1 return thereof. However, personal service outside of the State  
2 in accordance with the statute relating to personal service of  
3 summons outside of the State shall relieve the plaintiff from  
4 such mailing requirement.

5 (c) Any summons received or provided in this Section shall  
6 require the defendant to appear and answer the complaint within  
7 4 weeks after receipt thereof by the Secretary of State. The  
8 court in which the action or suit is brought may order such  
9 continuance as may be necessary to afford the defendant  
10 reasonable opportunity to defend the action. The fee of \$2 paid  
11 by the plaintiff to the Secretary of State shall be taxed as  
12 costs in favor of the plaintiff if the plaintiff prevails in  
13 the action. The Secretary of State shall keep a record of each  
14 summons, process, or pleading served upon the Secretary of  
15 State under this Section, showing the day and hour of service.

16 Section 85. Continuing authority of the Department. The  
17 lapsing, suspension, or revocation of a license by operation of  
18 law or by order of the Department or by decision of a court of  
19 law, or the voluntary surrender of a license by a licensee,  
20 shall not deprive the Department of jurisdiction to proceed  
21 with any investigation of or any action or disciplinary  
22 proceeding against the licensee, or to revise or render null  
23 and void an order suspending or revoking the license.

24 Section 90. Disciplinary action; grounds. The Department

1 may refuse to issue or renew a tax consultant or preparer's  
2 license, or may suspend or revoke a tax consultant or  
3 preparer's license, or may reprimand any person licensed as a  
4 tax consultant or tax preparer for:

5 (1) a violation of Section 10, Section 95, or Section  
6 105;

7 (2) failure to keep records as required under this Act;

8 (3) negligence or incompetence in tax consultant or tax  
9 preparer practice, or when acting in the capacity of a tax  
10 preparer or tax consultant in another state or under an  
11 exempt status, or in preparation of the personal income tax  
12 return for another state or the federal government;

13 (4) conviction of any crime, an essential element of  
14 which is dishonesty, fraud, or deception, under the laws of  
15 any state or of the United States;

16 (5) conviction of willful failure to pay any tax or  
17 estimated tax, file any tax return, keep records or supply  
18 information required under the tax laws of any state or of  
19 the United States, or conviction of the willful making,  
20 rendering, delivery, disclosure, signing or verifying of  
21 any false or fraudulent list, return, account, statement or  
22 other document, or of supplying any false or fraudulent  
23 information, required under the tax laws of any state or of  
24 the United States.

25 (6) failure to comply with continuing education  
26 requirements under this Act;

1 (7) violation of the code of professional conduct  
2 prescribed by the Department;

3 (8) failure to timely pay any civil penalty incurred  
4 under this Act; or

5 (9) cancellation, revocation, or refusal to renew by  
6 any State or federal agency, or entry of a consent order,  
7 stipulated agreement, or judgment related to, the person's  
8 or business's authority to practice law, to practice as a  
9 certified public accountant or a public accountant, or to  
10 practice under other regulatory law in any state, or to  
11 practice as an enrolled agent, if the grounds for the  
12 cancellation, revocation, refusal to renew, consent order,  
13 stipulated agreement, or judgment were related to income  
14 tax preparation or if dishonesty, fraud, or deception was  
15 involved.

16 Section 95. Prohibited acts. It is unlawful for any person  
17 to:

18 (1) obtain or attempt to obtain a license as a tax  
19 consultant or a tax preparer by any fraudulent  
20 representation;

21 (2) represent that the person is licensed as a tax  
22 consultant or a tax preparer if the person is not so  
23 licensed;

24 (3) present or attempt to use the license of another  
25 person;

1           (4) attempt to use a suspended, lapsed, or revoked  
2 license;

3           (5) falsely impersonate a licensee under this Act;

4           (6) engage in dishonesty, fraud, or deception relating  
5 to the preparation of personal income tax returns; and

6           (7) violate a position of trust, including a position  
7 of trust outside the licensee's professional practice.

8           Section 100. Exclusions. Sections 5 through 95 of this Act  
9 do not apply to any of the following:

10           (1) Any full-time or part-time employee hired to fill a  
11 permanent position, who in connection with the duties as an  
12 employee, has the incidental duty of preparing income tax  
13 returns for the business of the employer only.

14           (2) Any attorney rendering services in the performance  
15 of the duties of an attorney.

16           (3) While acting as such, any fiduciary, or the regular  
17 employees thereof, acting on behalf of the fiduciary  
18 estate, the testator, trustor, grantor, or beneficiaries  
19 thereof.

20           (4) A certified public accountant who holds an active  
21 permit issued by any state, a public accountant, or a  
22 public accounting firm registered in any state.

23           (5) Any employee of a certified public accountant,  
24 public accountant or registered public accounting firm  
25 described in paragraph (4) of this Section.

1           (6) Any person employed by a local, State, or federal  
2 governmental agency but only in performance of official  
3 duties.

4           Section 105. Refund anticipation loan disclosures.

5           (a) Prior to a taxpayer's completion of an application for  
6 a refund anticipation loan, the facilitator shall clearly  
7 disclose in writing to the taxpayer on a form separate from the  
8 application:

9           (1) a listing or table of refund anticipation loan fees  
10 and the annual percentage rates, as defined by the federal  
11 Truth in Lending Act, 15 U.S.C. 1601 et seq., charged by  
12 the facilitator or lender for 3 or more representative  
13 refund anticipation loan amounts; for each loan amount, the  
14 schedule shall list separately the amount of each fee and  
15 the amount of interest charged by the facilitator or lender  
16 and the total amount of fees and interest charged;

17           (2) that the refund anticipation loan is a loan and not  
18 the taxpayer's actual personal income tax refund;

19           (3) that electronic filing of the taxpayer's tax return  
20 is available without applying for a refund anticipation  
21 loan;

22           (4) the average time announced by the appropriate  
23 taxing authority within which the taxpayer can expect to  
24 receive a refund if the taxpayer does not obtain a refund  
25 anticipation loan and the taxpayer's return is filed:

1 (A) electronically and the refund is directly  
2 deposited in the taxpayer's bank account; or

3 (B) by mail and the refund is directly deposited in  
4 the taxpayer's bank account or mailed to the taxpayer;

5 (5) that the Internal Revenue Service does not  
6 guarantee that the full amount of the anticipated refund  
7 will be paid on a specific date on which the taxpayer will  
8 receive the refund;

9 (6) that the taxpayer is responsible for repayment of  
10 the loan and related fees in the event the tax refund is  
11 not paid or is not paid in full;

12 (7) the estimated time within which the proceeds of the  
13 loan will be paid to the taxpayer if the loan is approved;  
14 and

15 (8) the fees charged by the facilitator or lender if  
16 the refund anticipation loan is not approved.

17 (b) Prior to entering into a refund anticipation loan  
18 agreement, the facilitator shall clearly disclose to the  
19 taxpayer:

20 (1) the estimated total fees for the loan; and

21 (2) the estimated annual percentage rate, as defined by  
22 the federal Truth in Lending Act, for the loan.

23 Section 999. Effective date. This Act takes effect upon  
24 becoming law.